

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 87-072

RESCINDING CEASE AND DESIST ORDER
NOS. 71-35, 72-27, AND 75-34 AND CLEANUP AND ABATEMENT
ORDER NO. 71-8

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PORT COMMISSION
PIER 94 AND PIER 98
CLASS III LANDFILLS

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter called the Board, finds:

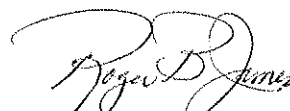
1. On August 27, 1970 this Board adopted Resolution No. 70-69, prescribing requirements for waste discharge by the the City and County of San Francisco, San Francisco Port Commission (hereinafter called the discharger) into a landfill site in India Basin on San Francisco Bay (Pier 98).
2. On May 14, 1971 Cleanup and Abatement Order (CAO) No. 71-8 was issued to the discharger for violations of this Board's Order No. 70-69 at the Pier 98 landfill. The violations included disposal of wastes not permitted by Order No. 70-69, discharging leachate and polluted water from the landfill into San Francisco Bay, and receiving water limitation violations. The discharger had disposed of wastes other than inert wastes at the site. These wastes included waste oil, tree trimmings, and other household and commercial refuse.
3. On June 21, 1971 Cease and Desist Order (CDO) No. 71-35 was issued by the Board to the discharger for failure to comply with Waste Discharge Requirements (WDR) adopted by the Board, Order No. 70-69, and for failure to comply with CAO No. 71-8. The discharger was continuing to accept for disposal at the Pier 98 landfill wastes not permitted by Order No. 70-69 and was continuing to discharge leachate and polluted water to the bay in violation of Order No. 70-69 and CAO No. 71-8.
4. On March 28, 1972 this Board adopted Order No. 72-9, prescribing requirements for waste discharge by the discharger for construction of a shipping terminal in San Francisco Bay at Pier 94 near Islais Creek. This Order was amended on June 17, 1975 by this Board's Order No. 75-35.

5. On June 27, 1972 the Board issued CDO No. 72-27 to the discharger for violations of Order No. 72-9 at the Pier 94 landfill site. The violations of Order No. 72-9 were consistent with the discharger's previously cited violations at the Pier 98 landfill. This Order was amended on June 17, 1975 by this Board's CDO No. 75-34, prescribing a revised compliance time schedule.
6. In response to the above cited CDOs the discharger undertook actions to prevent the disposal of wastes, at both landfills, that were not permitted by the WDR for the landfills. The discharger also stopped the discharge of leachate and polluted water from the landfills. At this time there is no visual evidence of leachate being discharged from either landfill site. However, because the construction of both landfills involved disposal of wastes and fill material below the elevation of the surrounding bay water, there is a potential for leachate generation and discharge at both sites. Additionally, there has not been adequate leachate and water quality monitoring of the sites to demonstrate that pollutants are not being leached from the landfills into the surrounding bay and bay sediments. The Board intends to address these issues in updated waste discharge requirements.
7. The discharger has achieved compliance with the discharge requirements specified in WDR for the Pier 94 and Pier 98 landfill areas and has complied with the provisions of the applicable enforcement orders.
8. This action is an order to rescind previously adopted enforcement orders and is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
9. On June 17, 1987, at a meeting starting at 9:30 a.m. in the Assembly Room, State Building, 1111 Jackson Street, Oakland, after due notice to the discharger and all other interested persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED THAT:

Cease and Desist Order Nos. 71-35, 72-27, and 75-34, and Cleanup and Abatement Order No. 71-8, issued to the City and County of San Francisco, San Francisco Port Commission, Pier 94 and Pier 98 Class III landfills, are rescinded.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 17, 1987.


Roger B. James
Executive Officer